



## ***CLOSED CASE SUMMARY***

ISSUED DATE: APRIL 12, 2022

FROM: INTERIM DIRECTOR GRÁINNE PERKINS  
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2021OPA-0467

### **Allegations of Misconduct & Director's Findings**

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Inconclusive
# 2	5.060 - Employee Political Activity II. Prohibited Campaign Activity	Not Sustained - Inconclusive
# 3	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained - Inconclusive

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

Photographs of two SPD vehicles were published online showing them draped in a Gadsden flag<sup>1</sup> or "Don't Tread on Me" flag while parked at multiple locations throughout Seattle.

### **SUMMARY OF INVESTIGATION:**

This Complaint was opened after an SPD officer was made aware of a Tweet picturing patrol vehicle 34912 (West CRG) and an unmarked patrol vehicle draped with a Gadsden flag in multiple locations throughout the City. The flag was hung on the outside of the vehicle. The associated message with the Tweet was, "WOW! @SeattleSPD officers make a huge statement day before officers get fired over the vaccine mandate."

The reporting officer did not know who had taken or posted the images online and reported the matter through Blue Team. The identified locations were at the West Precinct garage, Lumen Field, and under East Marginal Way South in SODO. OPA commenced investigation into the allegations. A second Complainant contacted OPA and stated that "SPD officers are flying Gadsden flags from SPD vehicles. This is incredibly unprofessional and sends the message that SPD leadership has no control over their officers."

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<sup>1</sup> The Gadsden flag depicts a coiled rattle snake on a yellow background over the phrase "Don't tread on me." Historically, the flag and its imagery has held various symbolic meanings, a version of it was flown on U.S. Navy ships to celebrate the bicentennial, and it was largely apolitical. Recently, the flag has taken on political meaning that "the government is the oppressor. See Paul Bruski, *Yellow Gadsden Flag, Prominent in Capitol Takeover, Carries a Long and Shifting History*, THE CONVERSATION, published Jan. 6, 2021, updated Jan. 7, 2021, <https://theconversation.com/yellow-gadsden-flag-prominent-in-capitol-takeover-carries-a-long-and-shifting-history-145142>.



OPA conducted online searches to identify any other images which may have been placed online or associated articles. OPA also conducted SPD vehicle GPS searches for the locations which were identified in the images. The searches focused on the areas of (1) 4 Ave S and S Royal Brougham Way, and (2) the SODO area of Alaskan Way and Edgard Martinez Drive S. All personnel who had access to the Precinct and who were assigned to vehicles were also identified. 198 officers assigned to the West Precinct all had access to the parking garage and to the marked vehicle which was identified in the images. This number, however, did not include other sworn or civilian staff who also had access to the Precinct garage. A physical search of the marked vehicle did not yield any flag or political paraphernalia.

A Computer Aided Dispatch (CAD) query was conducted to identify all officers who were assigned to the marked vehicle depicted in the images. Although the images were posted on October 17, 2021, there was no way to determine what date the actual images were taken. As such, to narrow down the time parameters within a reasonable period, OPA conducted a query between October 1 to October 17, 2021. Six officers were identified as having access to the vehicle during this period.

OPA contacted the Community Member #1 (CM#1) who posted the image online. CM#1 stated that she would “have to decline [naming the officer] as the officer who sent that to me was not involved so I don’t know who draped the flags.” OPA could not identify any Named Employees associated with CM#1.

OPA classified allegations against an Unidentified Employee, Named Employee #1 (NE#1).

#### **ANALYSIS AND CONCLUSIONS:**

##### **Named Employee #1 - Allegation #1**

##### ***5.001 - Standards and Duties 10. Employees Will Strive to be Professional***

It was alleged that NE#1 was unprofessional.

SPD Policy 5.001-POL-10 requires that SPD employees “strive to be professional.” The policy further instructs that “employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers” whether on or off duty. (SPD Policy 5.001-POL-10.) The policy further states the following: “Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language that is derogatory, contemptuous, or disrespectful toward any person.” (Id.) Lastly, the policy instructs Department employees to “avoid unnecessary escalation of events even if those events do not end in reportable uses of force.” (Id.)

As per the summary of the investigation, OPA could not conclusively identify when the images were taken.

Owing to the way the flag was hung on the vehicles it is not apparent that whoever hung the flag required access to the SPD vehicle. In a couple of images, it appears that tape may have been used to secure the flag. OPA considered a forensic examination of the vehicle, but owing to the vast number of individuals who may have had access to the vehicles, including members of the public and those within the precinct, it was deemed to be a redundant exercise from both an efficiency and resource perspective.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.



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Recommended Finding: **Not Sustained - Inconclusive**

**Named Employee #1 - Allegation #2**

***5.060 - Employee Political Activity II. Prohibited Campaign Activity***

It was alleged that NE#1 may have engaged in prohibited campaign activity.

SPD Policy 5.060(II) prohibits City officers and employees from using office space, telephones, stationary, etc., at any time, to assist a candidate or to support or oppose a ballot measure. Prohibited activities include displaying signs, bumper stickers, photos, invitations to fund raisers, or position papers on City bulletin boards, walls of City work areas, or City vehicles. (Id).

As set forth above at Named Employee #1, Allegation #1, OPA was not able to establish by the requisite proof whether an SPD employee—or identify which SPD employee—displayed the Gadsden flag as depicted in these images.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**

**Named Employee #1 - Allegation #3**

***SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.***

It was alleged that NE#1 violated law or policy.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

As set forth above at Named Employee #1, Allegation #1, OPA was not able to establish by the requisite proof whether an SPD employee—or identify which SPD employee—displayed the Gadsden flag as depicted in these images.

Accordingly, OPA recommends that this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**